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COLLISION AVOIDANCE SYSTEM (Reissue) Serial # 09/892,185 GAU 3661 Examiner Eric M. Gibson  
 Applicant Brett O. Hall 4206 Lazy Creek Dr. Marietta, GA 30066 770-517-5991

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10-11-02*

## FAX COVER

In the United States Patent and Trademark Office

Serial Number: 09/892,185  
 Application Filed: June 26, 2001  
 Applicant: Brett O. Hall  
 Application Title: COLLISION AVOIDANCE SYSTEM (Reissue Application)  
 Examiner / GAU: Eric M. Gibson / 3661 at phone # 703-306-4545  
 Faxed To: 703-872-9326; Tech Center 3600  
 Date: October 8, 2002  
 Enclosed Pages: 13 (including fax cover)

Assistant Commissioner for Patents  
 Washington, DC 20231

Sir:

This correspondence is responsive to the Office Action dated 7/30/02. Enclosed is the following:

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Please address any questions to the applicant as indicated below.

Respectfully Submitted,

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GROUP 3600

Plea return confirmation to fax number 770- 517- 6135

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## Section I – DISPROVING RECAPTURE

Sections I, II, III, and IV relate to the Applicant's continuing efforts to broaden the claims of the original application to "at least one vehicle restrictor...". At issue is whether the broadening violates the recapture rule.

- 5 Proving recapture is a two-process. This argument will disprove recapture based on the second step by showing that the subject matter in question (at least one vehicle restrictor) did not (A) have to be surrendered to define over prior art and (B) was not surrendered in the argument of the original application.
- 10 A. Subject Matter Did Not Have To Be Surrendered
1. A prior art combination was not suggested by the inventors. Suggesting a combination for collision prevention goes beyond the scope that either inventor presented.
  - 15 2. Combining prior art still does not possess the structure to prevent collisions for various reasons, including the inability to detect objects that are potentially on a collision course. The additional elements that a prior art combination would require for collision prevention go well beyond any number of vehicle restrictors. Thus of all the missing elements in a prior art combination the Examiner has treated the subject matter of a "at least one vehicle restrictor..." as though it was the only distinguishing element between the Applicant's invention and the cited prior art.
  - 20 3. With the original application, the Examiner did not site the use of a single vehicle restrictor in collision avoidance as an element to overcome for allowance. Therefore, the Applicant was never under any burden to put limitation on the number of vehicle restrictors in order to define over prior art. Did the invention uniquely define over prior art only by increasing the number of vehicle restrictors? The Applicant suggests that if the combination of prior art structure was truly applicable then merely changing to a plurality of vehicle restrictors would have likely resulted in a rejection from the Examiner based on being anticipated and such a rejection was not the case when "a plurality of vehicle restrictors..." was added to the claims.
  - 25 4. The Applicant did argue that a distinguishing feature over prior art was the ability to prevent collisions between a plurality of vehicles. The Applicant did not argue that this could only be accomplished with a plurality of vehicle restrictors. The Applicant never argued that multiple vehicle restrictors were the distinguishing element over prior art. Therefore, the number of vehicle restrictors should not now be a recapture issue.
  - 30 5. The Examiner acknowledged in a phone discussion of the recapture issue that the invention defined over prior art even with a single vehicle restrictor but said that it was not relevant in a reissue case as it would be if the present application were an original application. The Examiner further stated that not allowing the broadening of the claims to include "... at least one vehicle restrictor..." was specifically because of the argument made in prosecuting the original application and that the uniqueness of the invention over prior art with a single vehicle restrictor could not now be used to avoid recapture. It is the Applicant's response that if a single vehicle restrictor uniquely defined over the prior art

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(considering the remaining invention structure) then a limitation of a plurality of vehicle restrictors was never required for allowance.

B. Subject Matter Was Not Surrendered In Defining Over Prior Art

- 5 1. The argument submitted on 6/26/02 details the use of a single vehicle restrictor in preventing collisions between a plurality of vehicles as applicable to the original patent argument. The Applicant will not repeat the four-page argument in this submission but requests that it be reviewed and reconsidered.
- 10 2. The Applicant offers the reminder that the argument of the original application was found to define the invention over prior art, even though that argument also applies to the use of a single vehicle restrictor in the invention structure (as presented in the response dated 6/26/02). Therefore, the single vehicle restrictor was not surrendered in the original prosecution even though the related allowed claims were written below (narrower than) the prosecution argument.
- 15

20 Since (A) the subject matter did not have to be surrendered and (B) the subject matter was not surrendered in defining over prior art then the second step of the recapture criteria is not applicable.

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Section II – ANALYSIS OF AND RESPONSE TO EXAMINER'S RECAPTURE POSITION

- 25 The Examiner stated in telephone conversation on May 17, 2002 that it was his understanding of the invention during the original application that more than one vehicle restrictor was a necessity for the invention to prevent collision between a plurality of vehicles. Consequently, the Examiner's position regarding recapture is based on a limited view of the total invention scope.
- 30 In a telephone conversation the Examiner stated that the Applicant's original arguments used to define over prior art were the same arguments that determine the boundaries of recapture in an attempt to broaden the claims. The Examiner also repeatedly and emphatically stated that his belief of recapture is based on certain matter of record statements that the Applicant made within the arguments of the original application. Although the Applicant has shown in the 6/26/02 response that the arguments of the original application support his request to broaden the claims to include, "at least one vehicle restrictor..." the Applicant will present the statements that the Examiner's used as the basis for his recapture position and then refute each point.
- 35

A. The Context Of The Applicant's Matter Of Record Statement

- 40 The Examiner has referenced a portion of the following quote taken from the Applicant's original argument (submitted 1/7/00, page 9-10):

Applicant's Original Argument, Page 9-10, Submitted 1/7/00

45 *The claimed invention, on the other hand, provides a system for sensing the presence, position, speed, and/or direction of a plurality of vehicles, pedestrians, and/or trains, determining beforehand the likelihood of a collision between the sensed vehicles, pedestrians, and/or trains, determining which vehicle should be slowed or stopped to avoid the collision in light of the*

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*sensed vehicle conditions and the local traffic laws, and actuating vehicle restrictors in the roadway to control the speed of the vehicle or vehicles to be slowed or stopped to avoid the collision.*

- 5 The specification presents several scenarios of the invention's capability in preventing collisions. The specification even discusses how the invention is flexible and adaptable in its configuration to the traffic environment in which it is installed. As examples, various traffic environments are discussed in the specification and shown in the drawings that might require any number of vehicle restrictors (including a single vehicle restrictor as in Figs. 9 and 11). The above  
10 statement was discussed in the original arguments to show how the invention as a whole is unique over prior art.

Not every scenario involves the need for multiple vehicle restrictors. In like manner not every scenario involves pedestrians or trains but these related elements are also mentioned in the  
15 above statement addressing collision prevention as a whole. However the Examiner has singled out one configuration of the invention (the use of multiple vehicle restrictors), as though it was the only subject matter presented in the original application. Such an interpretation is taking the Applicant's above comments out of context in his effort to show the invention's focus on collision prevention as a whole when compared to the cited prior art. The above statement shows  
20 general support for all of the specification and drawings of the original application. It seems the Examiner has treated a general statement as though it was specific to a specific rejection regarding the use of a single vehicle restrictor for a combination of prior art that was never suggested by the inventors.

25 **MPEP 1412.02, Criteria For Determining That Subject Matter Has Been Surrendered:**

Note: The argument that the claim limitation defined over the rejection must have been specific as to the limitation; rather than a general statement regarding the claims as a whole. In other words, a general "boiler plate" sentence will not be sufficient to establish recapture.

- 30 In light of the above MPEP statement, it is the Applicant's position that:  
 1. The Examiner used the Applicant's general statement discussing the invention as a whole as part of the Examiner's recapture position  
 2. There was no specific rejection regarding the number of vehicle restrictors in collision avoidance  
 35 3. There was no specific claim or subject matter pertaining to the number of vehicle restrictors argued and presented as being limited in response to a specific rejection

40 **B. The Inference Regarding The Applicant's Matter Of Record Statement**

Page 4-5 of the Office Action dated 5/10/02 the Examiner wrote in reference to the same statement made by the Applicant in the argument of the original application:

Office Action dated 5/10/02, page 4-5

- 45 , "... and it is argued as distinguishable over the prior art because of the ability to restrict "a plurality" [emphasis applicant's] of vehicles..."

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- Although the Applicant distinguished the word "plurality" it is the Examiner that uses the word "r strict", not th Applicant. This is another indication that the Examiner believed that collision prevention between a plurality of vehicles could only be accomplished if each vehicle was restricted by a vehicle restrictor. The Applicant has never made such a statement and showed 5 the contrary in the response dated 6/26/02. Although the Applicant does claim distinction over prior art in the ability to prevent collisions between a plurality of vehicles, the Applicant never said that a plurality of vehicle restrictors was the only way to accomplish this as the Examiner has interpreted and emphasized.
- 10 The Examiner repeatedly emphasized that the Applicant's arguments in defining over prior art were the Examiner's basis for rejecting the broadening. However, the significant and specific difference between "*a plurality of vehicle restrictors*" and "*at least one vehicle restrictor*" was never argued. Respectfully, such a critical difference (if truly made) should be obvious and not "read" into the Applicant's comments through inference.

15 C. The Scope Of The Applicant's Matter Of Record Statement

The Examiner's third reference to the same matter of record statement was during a telephone conversation on 6/4/02. The Examiner quoted the following:

20 Applicant's Original Argument, page 10

*The claimed invention, on the other hand, provides a system for sensing the presence, position, speed, and/or direction of a plurality of vehicles, pedestrians, and/or trains, determining beforehand the likelihood of a collision between the sensed vehicles, pedestrians, and/or trains, determining which vehicle should be slowed or stopped to avoid the collision ...*

25 The Examiner said that the system could not determine **which** (Examiner's verbal emphasis) vehicle should be slowed or stopped unless there were a plurality of vehicle restrictors to slow or stop each vehicle.

30 Again, the statement broadly compares the invention as a whole to prior art in collision prevention and is not directed to a single or only configuration. The generality of this statement is obvious as it also includes collision prevention involving pedestrians and trains. The Applicant believes that the Examiner again extracted a single configuration of the invention involving 35 multiple vehicle restrictors from a general statement and inferred its application to every aspect of the total invention.

Furthermore, the Examiner's emphasis on the word "**which**" was an inference that the system would have to have multiple vehicle restrictors in order to make an alternate choice in 40 preventing a collision between a plurality of vehicles. However, the response dated 6/26/02, page 2, *Second Matter Of Record Statement* shows fulfillment of the Examiner's emphasis on "which vehicle..." and does so with a single vehicle restrictor.

45 All of the points of the Examiner's recapture position have been addressed.

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### Section III – WHY THE CLAIMS WERE CHANGED

The Applicant never saw a strong similarity between his invention and the prior art combination. Therefore, the changes in the claims were in response to a multitude of cited errors (vagueness, indefiniteness, and formality). As part of the Applicant's effort to give the claims structure and

5 logical flow, various guides, tips, and sample claims were reviewed. The Applicant came across the use of certain words frequently used in claim writing, including the word "plurality". Prosecution of the original application is the first for the pro se Applicant who mistakenly misinterpreted the word "plurality" to mean "any number of..." instead of the meaning "requiring more than one...". In fact, because of the Applicant's misinterpretation, he thought the term to  
10 be a broadening term and not a limiting term. Thus the Applicant then used "plurality" more liberally throughout the claims (i.e. claims 1a, 1b, 11a, 14a, 14b), of which a plurality of vehicle restrictors was just one instance. Neither instance was in response to the Examiner's citing of prior art content. Review of the Applicant's attempt to provide a structured claim format shows that the first mentioning of claims for vehicles (claim 1a) is similar to that for pedestrians (claim  
15 11a) and similar to that for trains (claim 14a). They all start with "*a plurality of...*". What was driving this change was an attempt at uniformity and a logical presentation of the claims, not an unmentioned requirement to increase the number of vehicle restrictors. It was only sometime after the patent issued that the Applicant learned the true meaning of "plurality" within claims and has since been trying to correct the mistake.

20 Again, the change in the claim language to a "plurality of vehicle restrictors..." was not related to a need to overcome prior art. It makes no sense that the Applicant would knowingly make such a limitation when:  
25 • It was not cited by the Examiner to do so  
• The use of a single vehicle restrictor was supported by the original arguments  
• The use of a single vehicle restrictor was supported by Fig. 9, Fig. 11, and the specification.

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### Section IV – ABOUT THE EXAMINER'S REASONS FOR ALLOWANCE STATEMENT

30 The Examiner's Reasons for Allowance statement is a very general statement and appears to be derived from or similar to a portion of the Applicant's original argument, covering the invention as a whole. Please note then that the reference for the Examiner's statement is the same reference already shown to also provide for the configuration of at least one vehicle  
35 restrictor (as explained in the four-page 6/26/02 response).

Furthermore, the difference between "*a plurality of vehicle restrictors*" and "*at least one vehicle restrictor*" is significant and specific. The impact of this difference was never mentioned by the Examiner as his reason for allowance. The Applicant proposes that if the impact of the difference in the claim language to "*a plurality of vehicle restrictors*" was that vital to the Examiner' decision (so as to make the difference between acceptance or rejection) then the Examiner would have specifically made note of said difference in the Reasons for Allowance.

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## Secti n V –

## ABOUT NEW REISSUE CLAIMS

- Sections V, VI, and VII pertain to new claims 23-26. It is the Applicant's belief that the invention teaches patentable subject matter disclosed in the original application, not covered by prior art, not discussed in the original arguments, and not covered in the allowed claims, hence the reissue claims. The allowed claims of the original application are deficient because they are narrower than they had to be and do not contain some subject matter taught in the specification. There is also subject matter that was not required for discussion in overcoming the Examiner's suggested combination of Welford and Cesari. The added claims of the reissue application are intended to help correct the deficient scope of the original claims.

### The Right To Enlarge The Scope of Original Patent Claims In A Reissue

Consider the following references from Chapter 1400 Correction of Patents, 1401 Reissue:

15 **Section 1401 Reissue**

No reissue patent shall be granted enlarging the scope of the claims of the original patent unless applied for within two years from the grant of the original patent.

- 20 Section 1402 Grounds for Filing states that an Applicant can get a patent corrected through reissue:

"... by reason of the patentee claiming more or less than he had a right to claim in the patent."

- 25 Section 1402 Grounds for Filing states that the common bases for filing a reissue application include:

(A) the claims are too narrow...

- 30 Consistent with the above references, the Applicant has submitted new claims (23, 24, 25, and 26) in an attempt to "enlarge the scope of the claims of the original patent", up to the subject matter in the specification and drawings. However, the Examiner's response to each new claim has been that it:

Examiner's comment, page 5, Office Action dated 7/30/02.

"... does not at least contain the subject matter argued to be allowable in the original application."

- 35 Since the Applicant filed the reissue application within the proper time period, the first reference indicates that there should be no disallowance to enlarging the scope of the claims of the original patent.

### The Scope of What Was Argued

- 40 The Examiner referenced argued subject matter of the original application as his criteria against enlarging claim scope with new claims 23-26. In the first Office Action of the original application the Examiner cited his suggested combination of Welford and Cesari as the prior art. Therefore, the arguments were primarily to distinguish the invention from Welford and Cesari. However, this does not mean that the only subject matter in the original application was what the Applicant argued in relation to Welford and Cesari. There would have been no reason to argue other invention subject matter that was not cited by the Examiner. Thus subject matter that the invention teaches beyond Welford and Cesari should not be excluded. If subject matter is taught

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in the specification and not claimed by other prior art then the references cited in Chapter 1400 regarding the Applicant's right to claim the subject matter should be upheld.

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## 5 Section VI – JUSTIFICATION FOR THE REISSUE CLAIMS

### Justification for Claims 23 and 24

Although the Examiner's Reasons for Allowance are not fully reflective of the invention's entire scope, it does make mention that system actions are based on local traffic laws. Such laws are commonly represented by traffic control devices such as traffic lights. Thus any subject matter relating invention structure to a traffic control means representing the traffic laws is a justifiable addition. Following are excerpts from the original application related to claims 23 and 24.

15 Column 2, lines 31-37

*The most valuable system to prevent collisions will integrate and synchronize with traditional traffic control devices and systems such as using the red, green, and yellow status of the traffic light signals as input to govern system response. This capability ensures that the Collision Avoidance System reinforces the traffic laws within the environment in which it is installed.*

20 Column 7, lines 16-20

*A signal from a traffic command source (such as traffic lights, caution lights, and safety gates) integrates and synchronizes the Collision Avoidance System to the standard safety systems that the Collision Avoidance System is supporting.*

25 Column 12, lines 43-47 and Fig. 3

*The traffic light signals (red, yellow, and green) integrate and synchronize the Collision Avoidance System to the traffic laws and safety intent of the intersection. When the cycle of the traffic light 40a first displays yellow, the system starts to deploy the Vehicle Restrictors 20a-20d.*

30 Column 13, lines 1-6 and Fig. 3

*By the time the traffic light 40a ... displays the red light the Vehicle Restrictors 20a-20d are fully deployed. To prevent an operator from prematurely moving into the intersection in anticipation of the green light, the Vehicle Restrictors 20a-20d will remain deployed until the green light is displayed.*

35 Column 14, lines 28-34 and Fig. 4

*... the actual loading / unloading operation of the bus as indicated by the deployment of the STOP sign on the side of the bus and the flashing caution lights 40a. ... thus triggering the Controller 10. At that juncture the Controller 10 will activate Vehicle Restrictors 20 in all lanes.*

40

### Justification for Claim 25

Following is an excerpt from the original application as it relates to claim 25. It is not presented as the only justification for claim 25.

45 Column 21, lines 24-39 and Fig. 11

*When the trailing vehicle reaches Sensor 1, the time difference since the passing of the leading vehicle ... indicates that the trailing vehicle may be following too closely. ... in Figure 11 the speed of the trailing*

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*vehicle 40a ... confirms that the trailing vehicle is driving too closely. The Controller 10 activates the Vehicle Restrictor 20 ... to inform the driver that he is following too closely.*

5 **Justification for Claim 26**

Following are excerpts from the original application as they relate to claim 26. They are not presented as the only justifications for claim 26.

Column 14, lines 66 - Column 15, line 11 and Fig. 5

10 *The Collision Avoidance System provides pedestrian protection in situations in which the views of the pedestrian and the operator are restricted and a possible collision is forthcoming ... input is provided by a pedestrian detector 30a, ... It is positioned to monitor a pedestrian area that precedes an intersection where a vehicle-to-pedestrian collision might occur. As the pedestrian and the vehicle advanced toward the same intersection, the Trigger Sensor 30a notifies the Controller 10 to activate the Vehicle Restrictors 20, to provide an indication to the operator to slow down.*

15 Column 16, lines 21-39 and Fig. 6

*The Collision Avoidance System configuration for preventing vehicle-to-train collisions is presented in Figure 6. A sensor capable of detecting the presence of the train ... as the train approaches the intersection it eventually activates the caution lights and the gates 40a that extend across the lanes. These devices provide ... the indication to the Controller 10 to deploy the Vehicle Restrictors 20. Consequently, motorists approaching the intersection receive tactile feedback that makes it significantly more difficult to increase vehicle speed and race the train to the intersection.*

25

**Section VII –**

**COMPARISONS TO PRIOR ART**

30 The presentation of the invention in this section is responsive to specific claim rejections regarding specific prior art. The configurations discussed should not be considered the only configurations of the entire invention.

**Regarding Claim 23 and Claim 24**

35 La Gambina does not teach a collision avoidance system but instead teaches a system to control the speed of overall traffic flow. La Gambina relies on a control system having no input from the status of a traffic control means. The controller of the present invention is configured to respond to the status of the traffic control means in claims 23 and 24 in accordance to the traffic laws or safety intent of the environment where the system is installed. The controller of the La Gambina is not configured to respond to the status of the traffic control means but instead to control the status of the traffic control means. La Gambina states:

La Gambina Page 5, lines 6-9

*"As with conventional visible signs, this can be set in motion from a central control centre, for example when conventional hazard warning signs are actuated."*

45

Note that the visible signs are set in motion from a controller and the warning signs are actuated by the controller. Thus the controller is not responding to the traffic command signal

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as the Examiner suggest d. So th status of a traffic control means do s not provide the input into the La Gambina system that results in vehicle impedance. The different order of system operation and a different control scheme indicates different inventions.

- 5 Since La Gambina is not responsive to the status of the traffic control means then at a minimum claim 23, element b) does not read against La Gambina. Since La Gambina does not determine the permissive status of the traffic control means then claim 24, element (a) does not read against La Gambina. Furthermore, La Gambina does not propose his invention (or his traffic control means) for a roadway configured to handle merging or intersecting objects as in claim 10 24, element (a).

The La Gambina system is further configured to be initiated by a fog detector (page 5, line 10-11). This indicates the La Gambina system is designed to slow the overall speed of traffic with bumps and hazard warning lights when initiated to do so by fog. The input device for the La 15 Gambina system to provide vehicle impedance is fog (a specific environmental condition). The input "device" to provide vehicle impedance within claim 23 and claim 24 is the status of the traffic control means. These are drastically different forms of inputs, monitoring different conditions and reflective of different invention structures. The structural differences are so 20 significant such that one skilled in the art would not anticipate the present invention from the La Gambina invention

#### Regarding Claim 25

25 The Bonar system depends on installation within a vehicle, requiring alteration of a vehicle's internal structure in order to directly integrate with the vehicle's braking system. The Applicant's invention does not require such modification of vehicles. This difference produces different method steps in collision prevention:

Bonar measures the relative position and movement of the vehicle not containing the system 30 (Bonar column 2, line 18-19, "... begins to approach vehicle 1..."). Bonar uses the source vehicle (vehicle 2, installed with the system) as a reference to emit and receive reflected energy from a target vehicle (vehicle 1) to determine the speed and position of the target vehicle. This configuration does not allow the independent determination of the source vehicle's speed and 35 position within the traffic environment because the source and the target vehicle can not be at the same reference point.

As a result, the Bonar system does not show to have the configuration to sense the parameters 40 of a second vehicle (Bonar Fig. 1, vehicle 2) but only the first vehicle (Bonar Fig. 2, vehicle 1). By comparison, the Applicant's invention provides a reference for sensing speed and position of either or both vehicles. Therefore Bonar is not shown to have structure consistent with claim 45 element 25b. Since Bonar does not sense the parameters of a second vehicle it does not have structure to determine the likelihood of a collision as presented in 25c.

Bonar shows teaching only for preventing head-on collisions. He suggests or presents no 45 structure for vehicles traveling on intersecting or merging paths. Accordingly, Bonar can not fulfil claim 25 for intersecting and merging traffic.

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Bonar can only impede the movement of the vehicle containing the system. Thus if the vehicle to be restricted does not have the installed Bonar system then the Bonar invention is unable to impede vehicle movement and fulfill 25d. Overall Bonar is unable to fulfil claim 25. The structural differences are so significant such that one skilled in the art would not anticipate the present

5 invention from the Bonar invention.

#### Regarding Claim 26

The Yoshioka system is fully contained within the automobile, requiring alteration of a vehicle's internal structure in order to directly integrate with the vehicle's braking system. The Applicant's 10 invention does not require such modification of vehicles. This difference produces different steps in collision prevention:

Since the Yoshioka system is mobile its traffic environment continuously changes. Thus it can not "know" upon first detection the type of object (vehicle, pedestrian, etc.) with which the 15 vehicle might collide. Therefore, it must first scan the area preceding the vehicle's path and then determine the type of object and how that object is moving relative to the vehicle. Scanning also includes capturing and interpreting the physical layout of the road(s) as part of this necessary process.

20 The present invention is installed within a traffic environment where the type of potential collision or type of potential collision objects are typically known in advance. Installation of the equipment is customized accordingly. For example, pedestrian sensors are placed where pedestrians are expected to be within paths that might intersect with vehicles (column 15, lines 3-7). Similarly speaking for trains (column 16, line 23). Thus when a dedicated pedestrian sensor triggers the 25 controller, an additional step to distinguish that signal from a signal produced by some other object (vehicle, train) is not required. In other words, unlike the Yoshioka system, the present invention does not have to go through the extra steps to classify the type of every object that is sensed.

30 The required invention structure for the Yoshioka system demands at least two more method steps than those of claim 26, as shown below:

Minimum Steps Required by Yoshioka	Reference from Yoshioka	Relation to Element of Claim 26
Senses vehicle variables	"... data of driving state variables..." column 4, line 27-28	Comparable to element (a)
Senses road condition variables (curvature, width, etc.)	"...data of road condition variables..." Column 4, lines 28-29  Variables defined in column 4, lines 8-14	Not contained in claim 26
Senses object in the path of the vehicle	"...scans a region ... ahead the vehicle and receives echo from subjects in the scanning area." Column 3, lines 62-64	Only partially satisfies element (b) since the type of object must subsequently be determined
Determine type of subject sensed by vehicle	"...separating subjects ... by subject type..." Column 4, lines 30-35	Only partially satisfies element (b) since sensing the object must be done first and is distinctly different from determining

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		the type of object in the Yoshioka system
Judge degree of danger to vehicle...	"... process of judging the degree of danger of crossing subject to the vehicle....". Column 5, lines 26-44	Comparable to element (c)
Apply vehicle brakes to avoid collision	"... apply brakes...". Column 5, lines 45-46	Comparable to element (d)

Thus the structure of the Yoshioka invention can not be executed within the steps of claim 26 and the structural differences are so significant such that one skilled in the art would not anticipate the present invention from the Yoshioka invention.

5

Regarding the Hsu Prior Art

The prior art by Hsu is structured to prevent collision between two trains. As such it does not involve vehicles and roadways. It does not have the structure to prevent the collision between vehicles and trains.

- 
- CLOSING**
- 15 Regarding the Declaration as cited by the Examiner on page 2 of the 7/30/02 Office Action:  
Item 2a – Not applicable since there is only one inventor  
Item 2b – The Residence and Mailing Address on Page 2 of the Declaration has been corrected and a new page is enclosed.
- 20 Certificate Of Corrections as cited by the Examiner on page 2 of the 7/30/02 Office Action:  
The Applicant has reviewed MPEP 1485 and is unclear of the problem with the Certificate of Corrections. Please specifically clarify the problem with the Applicant's requested correction(s).
- 25 In order to establish specific points of disagreement, the Applicant respectfully requests that each point of disagreement within this document and the four-page argument regarding recapture submitted on 6/26/02 be specifically addressed. Section labels and line numbers have been added to this document to facilitate easier referencing in the Examiner's next Office Action.
- 30 The Applicant submits that the enclosed discussions overcome the Examiner's rejections and places the requested claim changes and claim additions in condition for allowance, and the Applicant respectfully requests the same. Should the Examiner have questions or suggestions that will put this application in line for allowance please contact the Applicant as indicated below.

35 Respectfully submitted,

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PTO/SB/51 (02-01)

Approved for use through 01/31/2004 OMB 0651-0033

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## (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) None Registration Number \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Correspondence Address: Direct all communications about the application to:

Customer Number \_\_\_\_\_ → Place Customer Number Bar  
 Type Customer Number here \_\_\_\_\_ Code Label here

<input type="checkbox"/> Firm or Individual Name	<u>Brett O. Hall</u>				
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Telephone	<u>770-517-5991</u>	Fax	<u>770-517-6135</u>		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Brett O. Hall

Inventor's signature <u>Brett O. Hall</u>	Date <u>June 25, 2001</u>
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Residence <u>4206 Lazy Creek Dr.; Marietta, GA 30066</u>	Citizenship <u>US</u>
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Mailing Address <u>4206 Lazy Creek Dr.; Marietta, GA 30066</u>
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Full name of second joint inventor (given name, family name)

None

Inventor's signature	Date
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Residence	Citizenship
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Mailing Address
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Full name of third joint inventor (given name, family name)

None

Inventor's signature	Date
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Residence	Citizenship
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Mailing Address
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Additional joint inventors are named on separately numbered sheets attached hereto.

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